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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,869	01/24/2002	Hiroshi Nagasawa	NAGASAWA=7	5352
1444	7590	12/01/2003	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			FORMAN, BETTY J	
			ART UNIT	PAPER NUMBER
			1634	

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10 053 869

EXAMINER

ART UNIT

PAPER

1103

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Commissioner for Pat nts

The amendment filed on 22 September 2003 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because as stated in the Office Action of 21 April 2003, the inventions of Group I and Group II are patentably distinct i.e. a search of the subject matter of Group I encompasses a search of substrates, substrate configuration, probe carriers, probe carrier arrangement and probe carrier association with membranes and/or nonwoven fabric. In contrast, a search of the subject matter of Group II would encompass a search of detection systems, substrates, sample flow, sample flow speed, sample flow timing, and fluorescent detectors. As such, a search for the subject matter of Group I would not begin to encompass the search for the subject matter of Group II.

Furthermore, Claim 5 (Group II) is drawn to a detection system adapted to flow a sample and detect an analyte. The claim is does not recite that the system comprises the reaction probe chip of Claim 1 and further more does not recite that the system comprises the limitation of the reaction probe chip. Claim 5 merely recites a detection system adapted to flow a sample....through...a substrate which is interpreted as being drawn to a use of a substrate, which is one, and only one component of the reaction probe chip of Claim 1 (Group II). For the reasons stated above, the inventions of Groups I and II are patentably distinct.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


BJ Forman
Primary Examiner
Art Unit: 1634